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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,643	08/29/2001	Shin Kitamura	35.C15729	5605

5514 7590 09/03/2003  
FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER
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NINO, ADOLFO

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/940,643

Applicant(s)

KITAMURA ET AL.

Examiner

Adolfo Nino

Art Unit

2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4, 8, 9, 12 and 17-40 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 5-7, 10, 11 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.5.

- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **Drawings**

Figures 10-12 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### **Specification**

The disclosure is objected to because of the following informalities:

Page 15, line 19, "left side" should be ---right side---.

Page 20, line 5, after "24" insert --- (FIG. 2A) ---.

Page 20, line 22, after "61" insert --- (FIG. 6) ---.

Page 23, line 14, after "inside" insert --- of ---.

Appropriate correction is required.

### **Claim Objections**

Claims 5-7, 10, 11 and 13-16 are objected to because of the following informalities:

Claims 5-7, 10, 11 and 13-16, where applicable, "the/said fiber" should be --- the/said plural pieces of fiber ---.

Appropriate correction is required.

***Allowable Subject Matter***

Claims 1-4, 8, 9, 12 and 17-40 are allowed.

Claims 5-7, 10, 11 and 13-16 would be allowable if rewritten to overcome the objection(s) set forth in this Office action.

The following is an examiner's statement of reasons for allowance:

The primary reason for the indication of the allowability of claims 1-18 is the inclusion therein of the combination of a method comprising the steps of "(C) disposing plural pieces of fiber containing carbon as a main component on the cathode electrode; and (D) applying potential higher than potential applied to the cathode electrode under depressurized condition to an electrode opposite the cathode electrode." in combination with the other claim limitations. This combination was neither disclosed nor taught by the cited prior art, alone or in combination.

The primary reason for the indication of the allowability of claims 19-40 is the inclusion therein of the limitation of a method comprising the steps of "wherein said step of reducing the difference in characteristic among the plurality of electron-emitting devices comprising a step of emitting an electron from at least one of the plurality of electron-emitting devices under depressurized condition" in combination with the other claim limitations. This limitation was neither disclosed nor taught by the cited prior art, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

This application is in condition for allowance except for the following formal matters:

See the above objections.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al. (US 6,517,399 B1) disclose a method of manufacturing spacer. Mitsutake et al. (US 6,512,329 B1) disclose an image forming apparatus. Tsukamoto (US 6,435,928 B1) discloses an electron source fabricating method. Iwasaki et al. (US 6,283,815 B1) disclose an electron source and image forming apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adolfo Nino whose telephone number is (703) 305-1071. The examiner can normally be reached on M-F (7:30-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean A Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AN

*Dean A. Reichard* 8/22/03

DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
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